IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1472/2006

SHRI V.K. DHAWAN Vs. STATE OF RAJASTHAN

DATE: 28.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Ashish Sharma for the accused-petitioner.
Mr. Ashwini Sharma, Public Prosecutor for the State.

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This criminal revision petition under Section 397 r/w section 401 Cr.P.C. is preferred by the accused-petitioner against the order dated 13.10.2006 passed by the Additional Civil Judge (Jr. Division) & Judicial Magistrate No.22, Jaipur City, Jaipur in Criminal Case No. 186/2005, whereby charge for the offence under Section 420 IPC has been framed against the accused-petitioner.

Brief facts giving rise to the present revision petition are that a complaint was filed by complainant Shri Jogendra Poonia before the Court of Additional Chief Judicial Magistrate No.4, Jaipur City, Jaipur on 22.04.96. The said complaint under Section 156(3) Cr.P.C. was sent to police station Vaishali Nagar, Jaipur for investigation where FIR No. 210/96 was registered against the accused-petitioner and his wife Smt. Tripth Dhawan and investigation commenced.

After investigation the police filed charge-sheet before the Court below on 01.03.97 against the accused-petitioner for the offence under Sections 420, 471 IPC and proceedings against the wife of the petitioner were dropped.

Being aggrieved with the order dated 09.08.2001 the petitioner filed a revision and the Additional Sessions Judge No.1, Jaipur City, Jaipur vide its order dated 19.10.2004 upheld the order of the Additional Civil Judge (Jr. Division) & Judicial Magistrate, First Class No.14, Jaipur City, Jaipur and after a long period of two years on 13.10.2006 the Additional Civil Judge (Jr. Division) & Judicial Magistrate No.22, Jaipur City, Jaipur passed the order of framing the charge for the offence under Section 420 IPC separately against the accused-petitioner.

Aggrieving and dissatisfying with the said order dated 13.10.2006 the present revision petition has been filed by the accused-petitioner with the prayer to quash and set-aside the said order dated 13.10.2006.

Having heard learned counsel for the accused-petitioner, learned Public Prosecutor for the State and upon careful perusal of the impugned order dated 13.10.2006, it appears that the order impugned is not a speaking order by which charge has been framed

against the accused-petitioner for the offence under Section 420 IPC and reasons have not been mentioned and this order itself is not explanatory as to why charge under section 420 IPC has been framed against the accused-petitioner.

I do not want to express any opinion on the merits of the case, but in the interest of justice I deem it proper to quash and set-aside the order impugned dated 13.10.2006 passed by the Additional Civil Judge (Jr. Division) & Judicial Magistrate No.22, Jaipur City, Jaipur and remand the matter back to the Court below for fresh adjudication for passing fresh order framing charge against the petitioner under Section 420 IPC giving the reasons as to whether offence under Section 420 IPC is made against the accused-petitioner or not?

With the aforesaid observations, the revision petition stands disposed.

(K.S. RATHORE),J.

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